

Public Chapter 302

SENATE BILL NO. 594

By Kyle, Haynes, Burks

Substituted for: House Bill No. 787

By McMillan, Brooks, Sands, Jackson

AN ACT To amend Tennessee Code Annotated, Section 29-13-104; Section 29-13-105 and Section 29-13-109(d), relative to the Criminal Injuries Compensation Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-106(e), is amended by deleting the words and figures "seven thousand dollars (\$7,000)" and by substituting instead the words and figures "eight thousand dollars (\$8,000)".

SECTION 2. Tennessee Code Annotated, Section 29-13-104, is amended by adding the following as a new subdivision (2) and by redesignating the existing subdivisions accordingly:

(2) A terrorist act or mass violence, as defined in § 2331 of Title 18 of the United States Code, occurring outside the territorial boundaries of the United States if the victim was a resident of this state at the time of the act or violence and the claimant is not eligible for compensation under Title VIII of the Federal Omnibus Diplomatic Security and Antiterrorism Act of 1986;

SECTION 3. Tennessee Code Annotated, Section 29-13-104(4), is amended by inserting after the word "acts" and before the word "committed" the punctuation and words ", except those described in subdivision (2),".

SECTION 4. Tennessee Code Annotated, Section 29-13-105, is amended by adding the following as a new subsection at the end thereof:

(d) A person who has been convicted of an offense under Federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense shall not be eligible to receive an award with respect to a claim under this chapter. This subsection shall not apply until the date on which the United States Attorney General, in consultation with the Director of the Administrative Office of the United States Courts, issues a written determination that a cost-effective, readily available criminal debt payment tracking system operated by the agency responsible for the collection of criminal debt has established cost-effective, readily available communications links with entities that administer Federal victim

compensation programs that are sufficient to ensure that victim compensation is not denied to any person except as authorized by law.

SECTION 5. Tennessee Code Annotated, Section 29-13-106(h), is amended by deleting the third and fourth sentences thereof and by substituting instead the following:

For any claim that arises from crime committed during a fiscal year in which the Board of Claims has determined the supplemental award program is to be operative, a supplemental award may be made upon determining that losses and expenses as defined in this section exceed eight thousand dollars (\$8,000). The supplemental award shall be equal to losses and expenses as defined in this section which are in excess of eight thousand dollars (\$8,000); provided, that no supplemental award shall exceed four thousand dollars (\$4,000).

SECTION 6. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect on July 1, 1997, the public welfare requiring it; provided, the provisions of Sections 1 and 5 shall apply to persons who are victims of criminal offenses occurring on or after July 1, 1997.